

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONTU.S. DISTRICT COURT
DISTRICT OF VERMONT
BURLINGTON

2021 MAY -5 PM 4:02

WILLIAM WALLACE,

Plaintiff,

v.

FBI and CIA,

Defendants.

Case No. 2:21-cv-26

CLERK


BY ltw
DEPUTY CLERK**ORDER OF DISMISSAL**

A review of the docket in this case reveals the following:

1. On February 5, 2021, Plaintiff William Wallace, representing himself, filed an application to proceed *in forma pauperis* ("IFP") to commence a suit against Defendants the Federal Bureau of Investigation and the Central Intelligence Agency. (Doc. 1.)
2. On March 16, 2021, the court granted Plaintiff's IFP application and dismissed his Complaint under 28 U.S.C. § 1915(e)(2)(B) and Fed. R. Civ. P. 12(b)(6). (Doc. 2.) Plaintiff was granted leave to file an Amended Complaint no later than April 16, 2021, and warned that failure to file an Amended Complaint would result in closure of the case.
3. No further filings have been received as of the date of this Order.

The Federal Rules of Civil Procedure authorize dismissal of an action when "the plaintiff fails to prosecute or to comply with these rules or a court order[.]" Fed. R. Civ. P. 41(b). Although Rule 41(b) does not define "failure to prosecute," the Second Circuit has held that "[i]t can evidence itself either in an action lying dormant with no significant activity to move it or in a pattern of dilatory tactics." *Lyell Theatre Corp. v. Loews Corp.*, 682 F.2d 37, 42 (2d Cir. 1982). Because Plaintiff has not filed an Amended Complaint, this case is hereby DISMISSED WITHOUT PREJUDICE for failure to prosecute.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 5th day of May, 2021.

 Christina Reiss, District Judge
 United States District Court